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FISCAL IMPACT STATEMENT

LS 6142

BILL NUMBER: HB 1366

NOTE PREPARED: Nov 19, 2006

BILL AMENDED:

SUBJECT: Community Transition Program.

FIRST AUTHOR: Rep. Foley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It establishes a 180-day community transition commencement date for offenders who have been accepted and assigned to a reentry court program.
- B. It requires the Department of Correction (DOC) to notify a community transition program (CTP) at least 120 days before an offender is assigned to the CTP, and requires DOC to provide the CTP with certain information about the offender.
- C. It permits an offender to make a written statement regarding the offender's participation in a CTP, and removes a provision permitting an offender to delay participating in a CTP.
- D. It authorizes DOC to delay an offender's assignment to a CTP if the offender is participating in a DOC program. It authorizes DOC to terminate an offender's participation in a CTP if the offender violates CTP rules, establishes a procedure for a CTP to conduct disciplinary hearings, and requires DOC to train CTP employees in procedures for conducting a disciplinary hearing.
- E. It requires a CTP to notify DOC within 24 hours if an offender is absent without authorization.
- F. It makes other changes and conforming amendments.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Summary - 180-Day CTP/Reentry Court Program* – The state general fund could save an estimated \$20 per day for each day an offender is in CTP and not in a DOC facility. As an illustration, using the reported offenders served in the current reentry programs in Allen, Marion, and Tippecanoe Counties, and using an estimate of the distribution of offenders in the Allen County program by felony level and drug and non-drug category, the state might have saved \$390,000 annually by placing these

offenders in CTP reentry programs for 180 days.

Community Transition Programs – By law, each county is **required** to have a community transition program. However, sentencing courts are not required to accept offenders into CTPs. Counties that operate community corrections programs are required to have a CTP as a component. Counties without community corrections programs are required to include CTP as part of the county's probation program. CTPs are charged with providing services that improve an offender's chances of making a successful transition from commitment to employment and participation in the community without the commission of further crimes. Offenders in CTPs are still committed to DOC, but are placed in a community corrections program or a probation program for essentially the time remaining on their prison sentence (IC 11-8-1-5.5).

The program may include any of the following services:

- Residential or work release programs.
- House arrest, home detention, and electronic monitoring programs.
- Community restitution or service programs.
- Victim-offender reconciliation programs.
- Jail services programs.
- Jail work crews.
- Community work crews.
- Juvenile detention alternative programs.
- Day reporting programs.
- Faith-based programs.
- Other community corrections programs approved by the DOC.

CTPs are funded in whole or in part by state support. The Department of Correction currently pays \$35 per day for the first 30 days and \$15 per day for the balance of the offender's time on CTP.

DOC reports the following information on CTP programs between 2000 and 2006.

Offenders Accepted Into Community Transition Programs and Number of Counties Accepting Offenders by Fiscal Year							
	2000	2001	2002	2003	2004	2005	2006
Number of Offenders Accepted	386	307	784	1,141	1,297	1,635	1,753
Counties Accepting	52	56	62	65	74	81	74

Reentry Courts – Courts with criminal jurisdiction **may** establish reentry programs for offenders who have been sentenced in their courts (IC 11-12-10-1). Reentry court programs are not mandatory like CTPs. By law, reentry courts have jurisdiction over felony offenders who reside in the county in which the reentry court is located and who have been released from the custody of DOC on probation, on parole, as part of a community transition program, or to a community corrections program as part of a sentence reduction or sentence modification program. Under the reentry court concept, the judge monitors an offender's progress, imposes different levels of rewards and sanctions for compliance or noncompliance, and is able to assign different levels of community services to support the offender.

Currently, courts in three counties operate reentry court programs. Courts in two other counties are planning to establish reentry courts. The following table shows selected characteristics of these existing programs.

Selected Characteristics of Existing Reentry Court Programs			
	<u>Allen County</u>	<u>Marion County</u>	<u>Tippecanoe County</u>
Started In:	July 2001	January 2005	October 2005
A Component Of:	Community Corrections Program	Marion County Drug Treatment Court	Reentry Court Staff
County Employees Involved:	Probation and parole officers, community corrections staff, and superior court staff	Judge of drug court, the director and program manager and 8 staff members from the drug treatment court, the public defender, the prosecutor, two case managers, and bailiff	Case manager from community corrections staff; surveillance officer with other responsibilities; volunteers representing the court, agencies, probation, parole, the prosecutor, and public defender, Purdue University, and law enforcement.
Offenders served in 12-month period:	140	125	30
Funding Sources:	Offender per diems; community transition program monies; budgets of other county agencies	Justice Assistance Grant monies and some assistance from CTP	Community Transition Program funds and user fees

Extending Length of Time in Community Transition Programs – The length of time that an offender spends in CTP depends on the most serious felony level for which an offender was committed. The following table shows the length of stay that offenders can remain in a community correction program depending on their felony level. As proposed, this bill would permit offenders who are assigned to a CTP that is operated by a reentry court certified by the Indiana Judicial Center to stay for 180 days. The added time an offender could be in the program is shown as "Added Time".

Added Time Spent in Community Transition Program Depends on the Felony Level of Offender		
<u>Felony Level</u>	<u>Maximum Program Length</u>	<u>Added Time</u>
Class D	60 days	120 days
All Other Class C Felonies	90 days	90 days
Class C Involving Suspendible Drug Offenses	120 Days	60 days
All other Class A & B Felonies	120 days	60 days
Class A & B Involving Suspendible Drug Offenses	180 days	no added time

Potential Impact on State General Fund – This bill could reduce costs to the state General Fund if offenders who are currently in DOC facilities are assigned to a Reentry Court program as part of a CTP 60 to 120 days

earlier than they are now. This is because offenders in DOC would be released from DOC at an earlier date and placed in a CTP program. The state per diem for CTP offenders is \$15, while the minimum per diem for housing offenders in DOC facilities is \$35 if the DOC places offenders in a county jail.

Using the reported offenders served in the current reentry programs in Allen, Marion, and Tippecanoe Counties, and using an estimate of the distribution of offenders in the Allen County program by felony level and drug and non-drug category, the state could save \$390,000 annually by placing these offenders in CTP reentry programs for 180 days.

Estimated Savings to State General Fund							
		Estimated Number of Offenders	Current CTP Days	Added CTP Days	Added: CTP Per Diem @ \$15	Less: Facility Per Diem @ \$35	Savings to State General Fund
A Felon	nondrug	5	120	60	\$4,500	\$10,500	(\$6,000)
	drug	4	180	0	\$0	\$0	\$0
B Felon	nondrug	50	120	60	\$45,000	\$105,000	(\$60,000)
	drug	74	180	0	\$0	\$0	\$0
C Felon	nondrug	78	90	90	\$105,300	\$245,700	(\$140,400)
	drug	14	120	60	\$12,600	\$29,400	(\$16,800)
D Felon	nondrug	52	60	120	\$93,600	\$218,400	(\$124,800)
	drug	18	60	120	<u>\$32,400</u>	<u>\$75,600</u>	<u>(\$43,200)</u>
Totals		295			\$293,400	\$684,600	(\$391,200)

Explanation of State Revenues:

Explanation of Local Expenditures: *Extension to 180 Days* – Allowing offenders to remain in CTP as part of a reentry court program may require additional staff to provide adequate supervision of offenders. Since the sentencing courts have the discretion to admit an offender into a reentry program at an earlier date than they currently do, it is assumed that the reentry court judges will decide whether committing the offender at an earlier date will cause a detrimental effect on the program.

Explanation of Local Revenues: Extending the length of time on CTP could generate more revenue for the program in two ways. First, offenders who are employed could pay a user fee to offset some of the costs of the program. Secondly, the county receives \$15 per day for each day the offender is in CTP.

As an illustration of the added revenues that local communities could receive, Allen, Marion, and Tippecanoe Counties could receive an additional \$293,000 in CTP per diem.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Sentencing courts with reentry courts.

Information Sources: Department of Correction; Allen, Marion, Tippecanoe County Reentry Courts.

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